

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/511,010
Applicant: Christoph Voss
Filed: October 12, 2004
Title: ELECTROMAGNETIC VALVE, ESPECIALLY FOR SLIP REGULATED MOTOR
VEHICLE BRAKE SYSTEMS
T.C./A.U.: 3683
Examiner: Vu Q. Nguyen
Confirmation No.: 6911
Notice of Appeal Filed: July 12, 2007
Docket No.: PC10413US

REPLY BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

S I R :

Appellant submits this Reply Brief in response to the Examiner's Answer dated December 11, 2007, which contains a newly raised assertion regarding German Patent DE 19836493 ("Obersteiner, et al. ").

In the Examiner's Answer, the Examiner argues for the first time that the sleeve (14) in Obersteiner et al. must be "fixedly secured" in order for the valve to operate properly. (Examiner's Answer, p. 14, line 21 - p. 15, line 1). The Examiner concedes that a fixedly secured sleeve is "not explicitly disclosed" in Obersteiner et al., however. Moreover, the Examiner does not argue that a fixedly secured sleeve is inherent in Obersteiner et al., or that the sleeve would be understood to be fixedly secured by persons of ordinary skill in the art. The Examiner's argument is based on the Examiner's opinion on what is needed to make the sleeve (14) operate properly, not what is disclosed expressly, impliedly or inherently.

Appellant respectfully submits that if Obersteiner et al. does not expressly, impliedly or inherently teach a "fixedly secured" sleeve, then the rejections based on Obersteiner et al. must be reversed.

The Examiner's opinion on whether a moveable sleeve would function properly in Obersteiner et al. is not relevant and not a proper basis for finding that the sleeve must be fixedly secured. Moreover, the Examiner's assumption is clearly outweighed by evidence of record that includes express language in Obersteiner et al. stating that sleeve (14) "is guided" along a wall.

Even if the Examiner's opinion regarding proper operation is relevant, the opinion is based on an incorrect understanding of the operation of the valve. The Examiner explains that pressure differentials across the valve piston (7) cause the piston to open (move upwards) against the compressive force of the spring (10). Valve piston (7) actually moves downward against the compressive force of the spring (10), not upwards. Therefore, it is unclear whether the Examiner's concern about the effect of a moveable sleeve on the spring even applies. Appellant respectfully submits that the rejections can not stand solely on this basis. Accordingly, Appellant respectfully requests the Board's reversal of all of the claim rejections.

Respectfully submitted,



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Dated: December 21, 2007

E-file